

REMARKS/ARGUMENTS

Initially, Applicants would like to express their appreciation to the Examiner for the detailed Official Action provided, for the acknowledgment of Applicants' Information Disclosure Statement by return of the Form PTO-1449, for the acknowledgment of Applicants' Claim for Priority and receipt of the certified copy of the priority document in the Official Action, and for acknowledgement that the drawings are acceptable.

Applicants also acknowledge with appreciation the indication that claims 7-11 contain allowable subject matter on Page 9 of the Official Action.

Upon entry of the above amendments, claims 1, 3, 4, 7, 8, 11, 14 and 15 will have been amended, claims 12 and 13 will have been canceled (without prejudice or disclaimer to the subject matter contained therein), and claims 16-23 will have been added. Claims 1-11 and 14-23 are currently pending. Applicants respectfully request reconsideration of the outstanding rejections, and allowance of all the claims pending in the present application.

In the Official Action, the Examiner has rejected claims 3-11 under 35 U.S.C. § 112, second paragraph as being indefinite. More particularly, the Examiner asserts that the language of claims 3 and 4 are unclear, that claims 7, 8 and 11, lack antecedent basis because they recite a "second driving circuit", and that claim 7, which recites that the "driving currents...are in phase", is contradictory to claim 4, which recites that there is "a phase difference therebetween." Without acquiescing to the propriety of the Examiner's rejection,

claims 3 and 4 have been amended, where appropriate, to more clearly recite the present claimed invention; in claims 7, 8, and 11 the recitations of the "second driving circuit" have been replaced with --the second magnetic circuit--; and in claim 7, the dependency of the claim has been changed to depend from independent claim 1. Accordingly, Applicants submit that claims 3-11 satisfy the requirements of 35 U.S.C. § 112, second paragraph, and withdrawal of the aforementioned rejection is respectfully requested.

In the Official Action, the Examiner has rejected claims 1-3 under 35 U.S.C. § 103(a) as being unpatentable over WIEDEMANN et al. (U.S. Patent No. 5,448,792) in view of SWIFT (U.S. 6,798,087);

Claims 4-6 under 35 U.S.C. § 103(a) as being unpatentable over WIEDEMANN and SWIFT, and further in view of LI (U.S. Patent No. 6,429,611);

Claims 1, 3, and 12 under 35 U.S.C. § 103(a) as being unpatentable over WIEDEMANN in view of KOFINK (DE 29 06 404); and

Claims 13-15 under 35 U.S.C. § 103(a) as being unpatentable over WIEDEMANN and KOFINK, and further in view of KUNITA et al. (US Pub. No. 2004/0128781).

Initially, Applicants note that features generally similar to those of previously-pending claim 13, of which the Examiner asserts KUNITA discloses, have been added to independent claim 1 by the present amendment.

Accordingly, Applicants respectfully traverse the above-noted rejection. In this regard, Applicants submit that KUNITA (U.S. Publication No. 2004/0128781), which corresponds to U.S. Patent Application Serial Number 10/472,188, at the

time the invention of the subject matter of Application Serial Number 10/525,526 (i.e., the present application) was made, was owned by, or subject to an obligation of assignment to, the same company. More specifically, both were obligated to MATSUSHITA ELECTRIC WORKS, LTD.

As such, U.S. Publication No. 2004/0128781 to KUNITA et al. is disqualified as prior art under 35 U.S.C. § 103(c). The KUNITA et al. document would otherwise qualify as prior art only under one of subsections (e), (f), or (g) of 35 U.S.C. § 102. It is further noted that 35 U.S.C. § 103(c) is available to the present application because the present application was filed February 24, 2005, after the November 29, 1999 effective date of 35 U.S.C. § 103. Thus, it is respectfully submitted that the rejections based on the KUNITA et al. reference should be withdrawn because KUNITA et al. is disqualified as a reference as set forth by 35 U.S.C. § 103(c) and MPEP 706.02(l)(3). Accordingly, the rejection of claims 1-6 and 12-15 are improper, and should be withdrawn.

Further, in regard to newly-added independent claims 16 and 20 (as well as dependent claims 17-19 and claims 21-23, respectively depending therefrom), Applicants note that the subject matter of new independent claim 16 generally corresponds to the subject matter of claim 7 (i.e., rewritten in independent form to overcome the objection to the claim, and to delete recitations from claim 4 which the Examiner believed to be contradictory), which the Examiner has indicated as being allowable; and the subject matter of new independent claim 20 generally corresponds to the subject matter of claim 8 (i.e., rewritten in independent form to overcome the objection to the claim), which the Examiner has also indicated as

being allowable. Further, Applicants expressly reserve the right to submit claims of related scope in another application. Accordingly, Applicants respectfully request an early indication of the allowance of claims 1, 16 and 20 (as well as claims 2-11, 14 and 15; 17-19; and 21-23, respectively depending therefrom.

In view of the remarks herein-contained, Applicants submit that independent claims 1, 16 and 20 are in condition for allowance. With regard to dependent claims 2-11, 14, 15; 17-19, 21-23, Applicants assert that they are allowable on their own merit, as well as because of their respective dependencies from independent claims 1, 16 and 20, which Applicants have shown to be allowable.

Thus, it is respectfully submitted that all of the claims in the present application are clearly patentable over the references cited by the Examiner, either alone or in combination, and an indication to such effect is respectfully requested, in due course.

SUMMARY

Applicants submit that the present application is in condition for allowance, and respectfully request an indication to that effect. Applicants have argued the allowability of the claims and pointed out deficiencies of the applied reference. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the claims therein are respectfully requested and is now believed to be appropriate.

Applicants note that this amendment is being made solely to advance prosecution of the application to allowance and should not be considered as surrendering equivalents of the territory between the claim prior to the present amendment and the amended claim. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability (e.g., for easier reading), and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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Respectfully submitted,
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A handwritten signature in dark ink, appearing to read "Bruce H. Bernstein", written over a horizontal line.

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